

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6015

BILL NUMBER: HB 1070

NOTE PREPARED: Dec 12, 2008

BILL AMENDED:

SUBJECT: Redistricting Commission.

FIRST AUTHOR: Rep. Torr

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Redistricting Commission-* The bill establishes the Redistricting Commission (RC) to create, hold hearings on, take public comment about, and recommend plans to redraw General Assembly districts and congressional districts.

Commission Staff and Administrative Services- The bill requires the Legislative Services Agency (LSA) to provide staff and administrative services to the RC. The bill establishes standards to govern the RC and the LSA in the creation of redistricting plans.

Penalty Provision- The bill provides that a person employed by the LSA or under contract with the LSA may not knowingly or intentionally use political data in the creation or evaluation of a redistricting plan. The bill provides that a person may not knowingly or intentionally solicit, aid, induce, or cause a person employed by the LSA or under contract with the LSA to use political data in the creation or evaluation of a redistricting plan. The bill makes a violation of these restrictions a Class D felony.

General Assembly, Appropriation, and Repeal Provisions- The bill provides that if the Constitution of the State of Indiana does not require the General Assembly to establish legislative districts, the RC's recommendations for legislative and congressional districts become the plans that define those districts. The bill provides that, if the Constitution so requires, the General Assembly must meet and enact redistricting plans before October 1 of a redistricting year. The bill authorizes the General Assembly to convene in a session to act on redistricting bills at times other than the times the General Assembly is currently authorized to meet. The bill repeals the current law relating to congressional redistricting. The bill appropriates from the state General Fund the amounts necessary to pay the expenses of implementing the statute.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Redistricting Commission*- The proposed commission would have four members appointed by the President Pro Tempore of the Senate, Speaker of the House, Senate Minority Leader, and House Minority Leader. A fifth member would be appointed by the RC members, themselves. The fifth member would serve as chair. If a consensus were not reached on the appointment of the fifth member, then the Chief Justice of the Indiana Supreme Court would appoint the fifth member.

RC members would be required, during a redistricting year, to hold at least one public hearing in the northern, southern, and central regions of Indiana. By August 1 of a redistricting year, the RC would adopt and submit a redistricting plan to the consideration of the General Assembly. RC members would be eligible to receive the same per diem and mileage reimbursement for their service as an interim study committee established by the Legislative Council.

Commission Staff and Administration- LSA would staff the RC meetings. LSA would also produce maps, map descriptions, and receive and evaluate publicly submitted maps and comments on the RC's behalf. These provisions would likely be able to be carried out within LSA's existing level of resources. The next redistricting year will be 2011.

General Assembly Provisions- In a redistricting year, the General Assembly would meet to consider the RC's redistricting plan recommendation and enact legislation before October 1. Given the dates in the bill for RC action, a special session would likely be required to consider the RC's recommendation. The following table presents a cost estimate for a six-day special session. However, since the bill does not specify the length of a special session, the actual cost would depend on future legislative action. The estimate uses *current* per diem and travel costs, which will likely not be the same in 2011.

Estimated Costs for a Six-Day Special Session	
Legislators (150 total)	Six Session Days
Per Diem*	\$74,520
Travel**	\$13,271
Total***	\$87,791
* As of 10/1/08, legislators receive \$138 per diem for every day in session (including Sat. & Sun.) and \$55.20 per diem for every day not in session. The net effect on expenditures is an additional \$82.80 per diem for every day in session.	
** Legislators are entitled to mileage for one round trip per week while in session. Travel reimbursement will be \$0.55 per mile on 01/01/09.	
*** The House & Senate would also incur an unknown minor amount of expense for temporary session staff (doorkeepers & other temporary staff).	
Note: Under the bill, if the state Constitution, at a future date, did not require the General Assembly to establish legislative districts, the General Assembly would not have to convene a special session to adopt a redistricting bill.	

Penalty Provision: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming

offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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